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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/988,455	11/20/2001	Ralph Gritzbach	269/142	8849

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EXAMINER	
COBANOGLU, DILEK B	
ART UNIT	**PAPER NUMBER**
3626	

DATE MAILED: 01/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/988,455	GRITZBACH ET AL.	
	Examiner	Art Unit	
	Dilek B. Cobanoglu	3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 November 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *11/20/2001*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-20 have been examined.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-16 and 18 are rejected under 35 U.S.C. 102(b) as being unpatentable by Peifer et al. (U.S. Patent No. 5,987,519).

A. As per claim 1, Peifer et al. discloses a computerized medical diagnosis management system, comprising:

(a) a central computer system comprising a data processor (Peifer et al.; col. 3, lines 36-40);

(b) at least one data interface operatively coupled to the data processor and configured to receive data from two or more diagnosis instruments, wherein each diagnosis instrument is configured for displaying measurement data and/or diagnosis data on a local monitor (Peifer et al.; col. 3, line 66 to col. 4, line 3);

(c) an input unit operatively coupled to the data processor and configured to select a diagnosis instrument from the two or more diagnosis instruments and to generate a control code for the

selected diagnosis instrument, when a control instruction is entered through the input unit (Peifer et al.; col. 4, lines 8-13); and

(d) a display unit operatively coupled to the data processor and configured to display the received data simultaneously or successively (Peifer et al.; col. 4, lines 46-55), wherein the data interface automatically forwards the control code to the selected diagnosis instrument (Peifer et al.; col. 4, lines 8-13).

B. As per claim 2, Peifer et al. discloses a system as claimed in claim 1, wherein the data interface is (a) two or more hardware modules each operatively coupled via a separate data communications line to a diagnostic instrument, or (b) a software module configured to access the diagnostic instruments based on addressing information for each diagnostic instrument (Peifer et al.; col. 3, lines 60-65 and col. 4, lines 8-13).

C. As per claim 3, Peifer et al. discloses a system as claimed in claim 1, wherein the data interface is configured as an Internet interface (Peifer et al.; col. 3, lines 44-51).

D. As per claim 4, Peifer et al. discloses a system as claimed in claim 1, wherein the system is configured to receive data from at least two diagnosis instruments that transmit data in dissimilar formats (Peifer et al.; col. 3, lines 40-44 and col. 3, line 66 to col. 4, line 3).

E. As per claim 5, Peifer et al. discloses a system as claimed in claim 1, wherein the system is configured to receive data from a diagnosis instrument mounted on a mobile platform (Peifer et al.; col. 5, lines 40-43).

F. As per claim 6, Peifer et al. discloses a system as claimed in claim 1, wherein the display unit displays the measurement data and/or diagnosis data in the same way as the local monitor of the diagnosis instrument (Peifer et al.; col. 4, line 57 to col. 5, line 1).

G. As per claim 7, Peifer et al. discloses a system as claimed in claim 1, wherein the system is configured to replicate an operating console of the diagnosis instrument in response to the control instruction (Peifer et al.; col. 1, lines 47-59).

H. As per claim 8, Peifer et al. discloses a system as claimed in claim 1, wherein the diagnosis management system is configured to control the diagnosis instrument in real time via user instructions delivered at the input unit (Peifer et al.; col. 4, lines 46-56).

I. As per claim 9, Peifer et al. discloses a system as claimed in claim 1, further comprising an acoustic input device configured to pick up a voice signal spoken at the site of the input unit of the diagnosis management system, wherein the data processor sends the voice signal to a selected medical diagnosis instrument (Peifer et al.; col. 4, lines 24-46 and Fig. 2).

J. As per claim 10, Peifer et al. discloses a system as claimed in claim 1, wherein the system is configured to receive image data from at least one camera installed at the site of one of the diagnosis instruments, and

wherein the data interface is configured for recording the image data (Peifer et al.; col. 4, lines 24-46 and Fig. 2).

K. As per claim 11, Peifer et al. discloses a system as claimed in claim 1, wherein the system is configured to receive data from the diagnosis instruments in real time or to receive stored data from the diagnosis instruments (Peifer et al.; col. 4, lines 46-56).

L. As per claim 12, Peifer et al. discloses a computerized method for managing two or more medical diagnosis instruments, comprising:

(a) receiving at a central computer system measurement data and/or diagnosis data from the diagnosis instruments in real time (Peifer et al.; col. 4, lines 57-63);

(b) presenting to an operator the measurement data and/or diagnosis data simultaneously or successively on a display unit operatively coupled to a data processor of the central computer system (Peifer et al.; col. 4, line 65 to col. 5, line 1);

(c) selecting a diagnosis instrument when the operator enters an input into the data processor (Peifer et al.; col. 4, lines 66 to col. 5, line 13);

(d) converting the entered input into a control code for the selected diagnosis instrument (Peifer et al.; col. 4, lines 66 to col. 5, line 13); and

(e) forwarding the control code in real time from the central computer system to the selected diagnosis instrument (Peifer et al.; col. 4, line 66 to col. 5, line 13).

M. As per claim 13, Peifer et al. discloses a system as claimed in claim 12, further comprising receiving data in dissimilar formats from at least two diagnosis instruments and processing the dissimilar format data for display in a standardized format (Peifer et al.; col. 3, lines 40-44 and col. 3, line 66 to col. 4, line 3).

N. As per claim 14, Peifer et al. discloses a computerized method as claimed in claim 12, further comprising displaying the measurement data and/or diagnosis data received from one of the diagnosis instruments on the display unit in the same way as on a monitor locally available to the diagnosis instrument (Peifer et al.; col. 4, line 57 to col. 5, line 1).

O. As per claim 15, Peifer et al. discloses a computerized method as claimed in claim 12, further comprising controlling the diagnosis instrument in real time via user instructions delivered at an input unit operatively coupled to the central computer system (Peifer et al.; col. 4, lines 46-56).

P. As per claim 16, Peifer et al. discloses a computerized method as claimed in claim 12, further comprising receiving an operator voice signal and sending the voice signal to the site of the selected medical diagnosis instrument (Peifer et al.; col. 4, lines 24-46 and Fig. 2).

Q. As per claim 18, Peifer et al. discloses a computerized method as claimed in claim 12, further comprising the central computer system receiving and recording image data from at least one camera located at a diagnosis instrument site (Peifer et al.; col. 4, lines 24-46 and Fig. 2).

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 19 and 20 are rejected under 35 U.S.C. 102(e) as being unpatentable by Surwit et al. (U.S. Patent No. 6,024,699).

A. As per claim 19, Surwit et al. discloses a computer program product comprising a computer-readable storage medium on which a program code is stored, wherein the computer program product further comprises:

(a) program code for causing a central computer system comprising a data processor, input unit, and display unit to receive measurement data and/or diagnosis data from two or more diagnosis instruments in real time (Surwit et al.; abstract, col. 5, lines 33-45 and col. 2, lines 39-45)

(b) program code for causing at least one data interface to receive data from the diagnosis instruments, wherein the diagnosis

instruments are configured for displaying measurement data and/or diagnosis data on a monitor (Surwit et al.; abstract and col. 3, lines 40-55)

(c) program code for causing the input unit to select a diagnosis instrument and generate a control code for the selected diagnosis instrument when a control instruction is entered through the input unit (Surwit et al.; abstract and col. 2, lines 39-55);

(d) program code for causing the display unit to display the received data simultaneously or successively (Surwit et al.; abstract and col. 2, line 64 to col. 3, line 1); and

(e) program code for causing the data interface to automatically forward the control code to the selected diagnosis instrument (Surwit et al.; abstract and col. 2, lines 39-55).

B. As per claim 20, Surwit et al. discloses a computer program product according to claim 19, further comprising program code for causing the display unit to display the measurement data and/or diagnosis data received from one of the diagnosis instruments in the same way as on a local monitor of the diagnosis instrument (Surwit et al.; abstract and col. 10, lines 55-64).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Peifer et al (U.S. Patent No. 5,987,519) in view of Surwit et al. (U.S. Patent No. 6,024,699).

A. As per claim 17, Peifer et al. discloses a computerized method as claimed in claim 12.

Peifer et al. fails to expressly teach the central computer system receiving stored data saved earlier locally at one of the medical diagnosis instruments and presenting the data on the display unit, per se, since it appears that Peifer et al. is more directed to communicating video, voice and medical data between a central monitoring station and a patient monitoring station which is remotely-located with respect to the central monitoring station (Peifer et al.; col. 3, lines 36-40 and Figures 1and 2). However, this feature is well known in the art, as evidenced by Surwit et al.
In particular, Surwit et al. discloses a central computer system receiving stored data saved earlier locally at one of the medical diagnosis instruments (Surwit et al., col. 3, lines 25-32) and

presenting the data on the display unit (Surwit et al., col. 3, lines 50-53).

It would have been obvious to one having ordinary skill in the art at the time of the invention to have combined the communicating video, voice and medical data between a central monitoring station and a patient monitoring station with the central computer system receiving stored data saved earlier locally at one of the medical diagnosis instruments with the motivation of central data processing system to obtain and analyze the obtained patient data, and to identify medical conditions requiring medical attention (Surwit et al., col. 2, lines 49-52).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited but not used prior art teach Medical care schedule and record aiding system and method 5913197 A, Computer-based surgical services management system 5842173 A, Medical pump monitoring system 20020013551, Patient monitor for determining a probability that a patient has acute cardiac ischemia 20020133087, Remote site medical intervention system 5810747 A, Flexible patient monitoring system featuring a multiport transmitter 5687734 A, Portable patient monitor reconfiguration system 5640953 A, Delivery of medical services using electronic data communications 5619991 A, Medical alert distribution system with selective filtering of medical information 5576952 A, Patient monitor and support system 5558638 A, Intelligent remote

visual monitoring system for home health care service 5553609 A, Ambulatory patient health monitoring techniques utilizing interactive visual communication 5544649 A, Ambulatory patient health monitoring techniques utilizing interactive visual communication 5441047 A, Programmable monitoring system and method 5438607 A, Home health care system which employs a two-way community antenna television network to permit communication between a doctor and patients at different locations 5434611 A, Home medical system and medical apparatus for use therewith 5339821 A, Home medical surveillance system 4838275 A, Apparatus for monitoring and signalling system 4259548 A.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dilek B. Cobanoglu whose telephone number is 571-272-8295. The examiner can normally be reached on 8-4:30.

8. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 571-272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DBC
Art Unit 3626
01/10/2006

C. LUKE GILLIGAN
PATENT EXAMINER